



# Family Expedited Removal Management (FERM) Process

## FERM PROCESS - Alternatives to Detention

With the expiration of Title 42, on May 11, 2023, U.S. Immigration and Custom’s Enforcement’s (ICE) Enforcement and Removal Operations (ERO) announced the Family Expedited Removal Management (FERM) process for certain families who enter the United States seeking asylum or express fear of persecution or torture at the Southwest border and are placed in expedited removal (“ER”) proceedings.

Under the FERM process, eligible heads of households will be placed on Alternatives to Detention (ATD) technology for surveillance, while they and their families are allowed to travel to their intended destination city to await a non-detained Credible Fear Interview (CFI). There, they will be subject to surveillance and a curfew.

FERM is an extremely fast-tracked ATD that poses challenges for migrant and asylum-seeking families. It is available only in certain destination cities and eligibility is subject to specific criteria.

### Which Families are Eligible?

Heads of households of family units are eligible for FERM if: (1) they are processed for Expedited Removal (ER), AND (2) are nationals of countries to which ICE maintains regular removal flights, AND (3) will be residing in a location under the jurisdiction of the ICE field office based in one of the FERM destination cities.

### How Will I Know if My Family is Part of FERM?

If your family is part of FERM, you will receive a Credible Fear Interview (CFI) notice, with an interview scheduled as early as six days after release from CBP custody. The interview will take place in the Asylum Office of one of the participating FERM destination cities with an asylum officer. You and your family must appear at the interview.

### PARTICIPATING DESTINATION CITIES

- |                        |                           |
|------------------------|---------------------------|
| Baltimore, MD (7/28)   | New Orleans, LA (7/28)    |
| Boston, MA (8/4)       | Philadelphia, PA (8/11)   |
| Chicago, IL (7/28)     | Portland, OR (8/11)       |
| Denver, CO (7/28)      | Providence, RI (8/4)      |
| Houston, Texas (7/28)  | Sacramento, CA (8/18)     |
| Las Vegas, NV (8/18)   | San Antonio, TX (8/18)    |
| Los Angeles, CA (8/18) | San Bernardino, CA (8/11) |
| Marlton, NJ (8/18)     | San Diego, CA. (8/4)      |
| Minneapolis, MN (7/28) | San Francisco, CA (8/4)   |
| Nashville, TN (8/11)   | San Jose, CA (8/4)        |
| Newark, NJ (7/28)      | Seattle, WA (8/11)        |
|                        | Washington, DC (7/28)     |

## How does FERM work and How Does it Compare to Other Asylum Processes?

Under FERM, families participate in a CFI by an Asylum Officer within 6 -12 days of release from CBP custody. Families enrolled in FERM receive a CFI decision from day 13-20 after release. If the decision is negative, it can be reviewed by an immigration judge **if you request this review**. If the judge determines the decision to correct, then families are removed between day 20-30. If families receive a positive determination, they may begin applying for asylum. DHS will enroll the head of household in an ATD mechanism and participating families are subject to curfew and surveillance in their destination cities.

While the process is different, the grounds upon which a family can demonstrate a credible fear remain the same. Families are encouraged to seek legal help immediately.

For more information, please visit [www.BAJI.org](http://www.BAJI.org).

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